

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

ORIGINAL
ORIGINAL

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

FACSIMILE

(202) 955-9792

EX PARTE OR LATE FILED
DIRECT LINE (202) 887-1248
E-MAIL: rbuntrock@kelleydrye.com

December 14, 1999

RECEIVED

DEC 14 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by the
Association for Local Telecommunications Services**

**Application by Bell Atlantic-New York for Authorization to Provide In-
Region InterLATA Services in New York -- CC Docket No. 99-295**

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, the Association for Local Telecommunications Services ("ALTS"), by its attorneys, submits this notice of an oral *ex parte* presentation made, and written *ex parte* materials distributed, in the above-captioned proceeding on December 13, 1999. The *ex parte* presentation was made during a meeting with Sarah Whitesell of Commissioner Tristani's office. The presentation was made by Jonathan Askin, Vice President, Law, of ALTS; David Turetsky of Teligent and Ross Buntrock of Kelley Drye & Warren LLP. Copies of the written materials distributed at the meeting are attached hereto.

During the presentations, the parties discussed their concerns regarding Bell Atlantic-New York's 271 application. Particularly, the parties indicated that Bell Atlantic's December 10, 1999 separate data affiliate proposal does not adequately address the problems associated with Bell Atlantic's application as it relates to the provisioning of DSL capable loops. In addition, unresolved problems remain with Bell Atlantic's ability to provision interconnection trunks in a

DC01/BUNTR/98724.1

No. of Copies rec'd
List ABCDE

012

KELLEY DRYE & WARREN LLP

Magalie R. Salas
December 14, 1999
Page 2

timely fashion that allows for fair and open competition in the New York market. Moreover, as evidenced by Bell Atlantic's December 6, 1999 Petition for Clarification, ALTS stated that Bell Atlantic is dragging its feet in implementing the new hot cut metrics ordered by the New York Commission on November 5 in the New York carrier to carrier proceeding (97-C-0139).

Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ross A. Buntrock". The signature is fluid and cursive, with the first name "Ross" being particularly prominent.

Ross A. Buntrock

cc: Sarah Whitesell, Legal Advisor to Commissioner Tristani
Dee May, Bell Atlantic
Jonathan Askin
International Transcription Service



Teligent, Inc.
825 Slaters Lane, Suite 102
Alexandria, Virginia 22314
voice: 703.299.5875
fax: 703.299.5825

Bruce Wagner
Regional Vice President
Northeast

April 27, 1999

Jacob J. Goldberg
President
Telecom Industry Services
Bell Atlantic Network Services
1095 Avenue of the Americas
Room 4043
New York, New York 10036

Re: Results of Teligent - Bell Atlantic Meeting.

Dear Jack,

Thank you so much for arranging the meeting with Paul Lacouture last week to discuss the circuit delivery problems that Teligent is encountering with Bell Atlantic. We appreciate the attention that you and Mr. Lacouture are giving to these issues. At the meeting, we welcomed the suggested plan of action that, with your continued commitment and prompt implementation, we hope will greatly improve Bell Atlantic's delivery of service to Teligent.

It is Teligent's understanding that the agreed-upon plan of action includes the following:

1. Bell Atlantic will assign a Network Engineer/Planner to work with Teligent to determine the most effective way to deploy the Bell Atlantic portion of our network build. Teligent will continue to provide all necessary information to facilitate this process, including 90-day network plans on a 30-day rolling basis.
2. Bell Atlantic will assign Service Managers to help facilitate maintenance and provisioning issues.
3. Bell Atlantic will assign Project/Program Managers for both the north territory and the south territory, to coordinate the network build and provide timely program management and key action initiation.
4. Bell Atlantic and Teligent will cooperate to reduce the number of "customer not ready" ("CNR") incidents, especially in NYC. If possible, Bell Atlantic will assign specific field technicians to Teligent in the NYC area to foster better communication. Teligent and Bell Atlantic will document and discuss all CNR incidents in order to take immediate action to greatly reduce or eliminate them. Bell Atlantic site surveys modeled after existing work you are currently doing with Wireless Carriers, where appropriate, will also help reduce CNR's and missed FOC dates.

5. Given the problems to date and the critical importance of this issue to Teligent, Bell Atlantic will cooperate with Teligent to increase the T-1 circuit delivery run-rate, with a goal of 4 per market per day, or 16 for the entire region per day. Because the delivery of T-1 circuits is dependent upon Bell Atlantic's delivery of DS3's, Bell Atlantic agreed to move forward as quickly as possible with delivery of these backbone circuits.

Overall, Teligent believes that the meeting was highly successful. We appreciate very much Bell Atlantic's senior management's willingness to discuss our problems and suggest positive solutions. We look forward to meeting with the assigned Network Planner in the next few days and to seeing increasing improvements in delivery and service.

Tony, Craig, Bill and I will work together to maintain this momentum. In addition, as we agreed, Tony and I will schedule a meeting with you and Rick Hanna at the end of May to discuss progress.

Again, thanks for a productive meeting. We look forward to the continued, improved relationships between our companies.

Sincerely,



Bruce T. Wagner
Regional Vice President
Northeast

cc: Paul Lacouture
Dave Douglas
Rick Hanna

Bell Atlantic
1095 Avenue of the Americas, New York, NY 10036
37th Floor
Tel 212 395-6495
Fax 212 768-7568



William D. Smith
Counsel

November 15, 1999

NOV 15 1999

BY HAND

Honorable Jaclyn A. Brillling
Administrative Law Judge
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

**Re: Case 97-C-0139 – Compliance Filing – Inter-Carrier Service Quality
Guideline**

Dear Judge Brillling:

Enclosed please find an original and ten (10) copies of the Compliance Filing of New York Telephone Company d/b/a Bell Atlantic - New York ("BA-NY") for the Inter-Carrier Service Quality Guidelines (the "Guidelines") in the above-referenced proceeding. Please note the following about the Compliance Filing.

First, pursuant to agreement with all the active participants in the Carrier-to-Carrier Subgroup, a number of products and services have been disaggregated in the Guidelines. BA-NY has included disaggregation of UNE POTS to UNE Loop and UNE Platform for the following metrics:

- (a) OR-1-01,02,03,04,05,06;
- (b) OR-2-01,02,03,04,05,06;
- (c) OR-6-01,02,03;
- (d) PR-6-01, 02;
- (e) MR-2-02,03,04,05;
- (f) MR-3-01,02,03,04,05;
- (g) MR-4-01,02,03,04,07,08,09,10; and
- (h) MR-5-01.

In addition, Complex Services Category has been disaggregated into DSL and 2-Wire Digital for the following metrics:

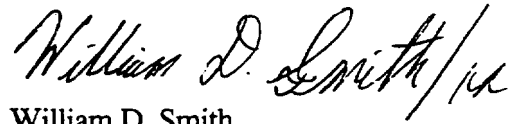
- (a) OR-1-03,04,05,06;
- (b) OR-2-03,04,05,06;
- (c) PR-1-01,02;
- (d) PR-2-01,02;
- (e) PR-4-02,03,04,05,08;
- (f) PR-5-01,02,03;
- (g) PR-6-01,03;
- (h) MR-2-02,03,04,05;
- (i) MR-3-01,03,04,05;
- (j) MR-4-01,02,03,07,08,09,10; and
- (k) MR-5-01.

Second, the Commission has adopted a number of new submetrics for the Hot Cut Loop process. A number of these submetrics were raised and discussed in the Carrier-to-Carrier Subgroup meetings. Three of the new submetrics – PR-9-08 Average Duration of Service Interruption, PR-9-09 Frequency of Service Interruption, and PR-9-10 % Supplemented or Cancelled Orders at BA-NY Request – are new to BA-NY. These submetric were not the subject of review or analysis by BA-NY, and the Order Establishing Additional Inter-Carrier Service Quality Guidelines and Granting in Part Petition for Reconsideration, Clarification and Stay (the “Order”) (issued November 5, 1999), at 28-29, does not provide sufficient detail to determine the factors that should be included in the numerator and denominator for each of these submetrics. Accordingly, BA-NY will need to seek further clarification about the scope of these three submetrics.

Third, the Order directs BA-NY “to file, with the Director of the Office of Communications, specific corrective action plans and time tables for each of the [Hot Cut process] deficiencies identified by the CLECs, as well as a plan to include CLEC PONs in its ordering and repair systems.” (Order at 29.) The Order does not specify a due date for the required action plans. However, before BA-NY can begin to develop these plans it must obtain clarification of the alleged “deficiencies identified by the CLECs.” Also, BA-NY believes there should be a review the efficacy of including “PONs in its ordering and repair systems” and the contemplated timetable for any such changes. As the Order notes, these changes would require “major system changes.” (Order at 26.) Inclusion of CLEC PONs also would require changes to national standards. BA-NY will raise these issues at the next Carrier-to-Carrier Subgroup meeting.

Finally, an updated and revised Appendix N will be submitted no later than November 24, 1999. Pursuant to BA-NY's internal Change Control Procedures, Appendix N cannot be revised until the Change Control Team has had an opportunity to review and analyze the Compliance Filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Smith" with a stylized flourish at the end.

William D. Smith

cc: All Active Parties (via e-mail and U.S. Mail)